

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

SAMUEL JOSEPH ORLANDO,)
)
 Plaintiff,)
) **CAFN: 5:22-cv-00012-MFU-JCH**
)
 v.)
)
 REBECCA BYRD NEAL, et al)
)
 Defendants.)

MOTION TO DISMISS THIS CASE WITHOUT PREJUDICE

Plaintiff moves this Court to dismiss this case without prejudice pursuant to Fed. R. Civ. P 41(1)(b)(2), which states: “Unless the order states otherwise, a dismissal under this paragraph (2) is **without prejudice.**” All parties bearing their own costs. Plaintiff sent an email to Becky Neil today, but needs to get this on file so that tomorrow’s mediation is not necessary, and the Court can advise the jury appropriately.

Also, Plaintiff’s counsel has reviewed the record and notes the following regarding dismissal without prejudice:

1. The merits of Plaintiff’s case were not reached, including Plaintiff’s state law claim of sexual battery;

2. Plaintiff filed a motion for partial Summary Judgment regarding Count VI of Plaintiff's Complaint, and submitted substantial evidence to support his Motion, but the Court did not reach the merits of the Motion because it ordered more discovery at the Defendants' request. The plaintiff is not dismissing for a want of evidence;
3. The Plaintiff filed a Motion for Clarification (ECF 200) regarding his Motion for Partial Summary Judgment with respect to the substantive evidence filed in support of Plaintiff's Motion for Partial Summary Judgment (Count VI); and
4. The Plaintiff shall file his suit in State court(s) under all applicable statutes, including federal statutes

Respectfully submitted this 9th day of February 2025.

/s/ Mario Williams

Mario Williams

Georgia Bar No. 235254

5600 Roswell Road, Bldg. C, Ste 103

Sandy Springs, GA 30342

Attorney for Plaintiff

CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that on this day, the foregoing **MOTION TO DISMISS THIS CASE WITHOUT PREJUDICE** which was prepared using Times New Roman 14-point and has been filed with the Clerk of Court using the CM/ECF system, which will automatically send electronic mail notification of such filing to all parties and counsel of record in this matter.

Respectfully submitted this 9th day of February 2025.

/s/ Mario Williams

Mario Williams

Georgia Bar No. 235254

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Sandy Springs, GA 30342

Attorney for Plaintiff